

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SCOTT M. EPSTEIN,

Plaintiff,

v.

Civil Action No. 03-CV-12297 (RWZ)

C.R. BARD, INC.,
FUTUREMED INTERVENTIONAL, INC., and
CROSSBOW VENTURES, INC.,

Defendants.

CROSSBOW'S MOTION TO DISMISS THE VERIFIED COMPLAINT

Crossbow hereby moves to dismiss the complaint in this action. The grounds for this motion are set forth in the accompanying memorandum of law.

LOCAL RULE 7.1(a)(2) CERTIFICATION

Counsel for Crossbow informed counsel for Epstein that Crossbow expected to file a motion to dismiss, and counsel for Epstein did not stipulate to the motion.

LOCAL RULE 7.1(d) REQUEST FOR ORAL ARGUMENT

Crossbow requests the opportunity to appear for oral argument on this motion.

Respectfully submitted,

FUTUREMED INTERVENTIONAL, INC.,

By its counsel,

Dated: December 29, 2003

/s/ Michael A. Albert

Michael A. Albert, BBO # 558566

Michael N. Rader, BBO # 646990

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210
(617) 720-3500

Of Counsel

Samuel D. Levy
Admittance *pro hac vice* pending for CROSSBOW VENTURES, INC.
Wuersch & Gering LLP
11 Hanover Square, 19th Floor
New York, New York 10005
(212) 509-5050

CERTIFICATE OF SERVICE

I hereby certify that a true copy of Crossbow's Motion to Dismiss the Verified Complaint was served upon the following attorney of record on December 29, 2003 by first-class, regular mail:

Andrew Good, Esq.
Good & Cormier
83 Atlantic Avenue
Boston, MA 02110

/s/ Michael A. Albert

Michael A. Albert